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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

JOHN C. WILSON, M. D.

Respondent.

NO. D-2005

DECISION

The attached Proposed Decision Pursuant to Stipulation is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on the 30th day of NOVEMBER, 1977.

It is so ordered this 31st day of OCTOBER, 1977.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

Blanche C. Benson
BLANCHE C. BENSON
Secretary-Treasurer

ORIGINAL

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Quality Assurance
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8 BEFORE THE BOARD OF MEDICAL QUALITY ASSURANCE

9 DEPARTMENT OF CONSUMER AFFAIRS

10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)	
)	
12 Against:)	NO. D-2005
)	
13 JOHN C. WILSON, M.D.)	
25 North 14th Street)	
14 San Jose, CA)	PROPOSED DECISION
License No. AO-5991)	PURSUANT TO
)	<u>STIPULATION</u>
15 Respondent.)	
16)	

17 It is hereby stipulated between John C. Wilson,
18 M.D., the respondent in this proceeding, together with his
19 attorney, Edward A. Linshaw of RANKIN, ONEAL, CENTER,
20 LUCKHARDT, MARLAIS, LUND & HINSHAW, and Charlton G. Holland,
21 Deputy Attorney General, attorney for the Board of Medical
22 Quality Assurance, Division of Medical Quality ("Division"),
23 as follows:

24 I

25 The allegations of the Accusation and the
26 Amendment to the Accusation which are designated below as
27 Findings of Fact are true:

1.

Findings of Fact

1 1. Joseph Cosentino was formerly the Executive
2 Secretary of the Board of Medical Quality Assurance and
3 made the charges and allegations in the Accusation and the
4 Amendment to the Accusation in his official capacity and
5 none other.

6 2. The respondent, John C. Wilson, M.D., at all
7 times mentioned herein had been issued by the Board of
8 Medical Quality Assurance a certificate to practice medicine
9 in the State of California.

10 3. On or about May 11, 1976, the respondent
11 prescribed to a patient named D [REDACTED] H [REDACTED], without a
12 good faith prior examination and medical indication for
13 such prescription and not for the treatment of pathology
14 or a condition other than addiction to a controlled sub-
15 stance, the drug "Biphetamine" (100 units -- 20 milligrams)
16 which is the trade name for the generic chemical "ampheta-
17 mine and detroamphetamine" (a resin complex) and a
18 controlled substance (Schedule II) within the meaning of
19 section 11055(d)(1) of the Health and Safety Code and a
20 dangerous drug within the meaning of section 4211(c).

21 4. On or about May 11, 1976, the respondent
22 prescribed to a patient named D [REDACTED] H [REDACTED], without a
23 good faith prior examination and medical indication for
24 such prescription and not for the treatment of pathology
25 or a condition other than addiction to a controlled
26 substance, "Nembutal" (100 units -- 1 1/2 grams) which is
27 the trade name for the generic chemical "phenobarbital

1 sodium", a barbituric acid derivative, and a controlled
2 substance (Schedule III) within the meaning of section
3 11056(b)(1) of the Health and Safety Code and a dangerous
4 drug within the meaning of section 4211(a).

5 5. On or about May 13, 1976, the respondent
6 prescribed to a patient named J [REDACTED] S [REDACTED], without a good
7 faith prior examination and medical indication for such
8 prescription and not for the treatment of pathology or a
9 condition other than addiction to a controlled substance,
10 the drug "Dexedrine" (100 units -- 13 milligrams) which
11 is the trade name for the generic chemical "dextroampheta-
12 mine sulfate", and a controlled substance (Schedule III)
13 within the meaning of section 11056(d)(1) of the Health
14 and Safety Code and a dangerous drug within the meaning of
15 section 4211(c).

16 6. On or about May 13, 1976, the respondent
17 prescribed to patient J [REDACTED] S [REDACTED], without a good faith
18 prior examination and medical indication for such prescrip-
19 tion and not for the treatment of pathology or a condition
20 other than addiction to a controlled substance, the drug
21 "Phenobarbital" (100 units -- 1 1/2 grams) which is the
22 trade name for the generic chemical "phenobarbital sodium"
23 a barbituric acid derivative, and a controlled substance
24 (Schedule III) within the meaning of section 11056(b)(1)
25 of the Health and Safety Code and a dangerous drug within
26 the meaning of section 4211(a) and (k).

27

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1 7. On or about June 4, 1976, the respondent
2 prescribed to patient J [REDACTED] S [REDACTED], without a good faith
3 prior examination and medical indication for such prescrip-
4 tion and not for the treatment of pathology or a condition
5 other than addiction to a controlled substance, the drug
6 "Pentobarbital (100 units) which is the trade name for the
7 generic chemical "pentobarbital sodium", a barbituric acid
8 derivative, and a controlled substance (Schedule III) within
9 the meaning of section 11056(b)(1) of the Health and Safety
10 Code and a dangerous drug within the meaning of section
11 4211(a) and (k).

12 8. On or about June 4, 1976, the respondent
13 prescribed to patient J [REDACTED] S [REDACTED], without a good faith
14 prior examination and medical indication for such prescrip-
15 tion and not for the treatment of pathology or a condition
16 other than addiction to a controlled substance, 100 units
17 of the drug "Pexedrine" which is the trade name for the
18 generic chemical "dextroamphetamine", a controlled substance
19 (Schedule III) within the meaning of section 11056(d)(1)
20 of the Health and Safety Code and a dangerous drug within
21 the meaning of section 4211(c).

22 9. On or about June 22, 1976, the respondent
23 prescribed to patient S [REDACTED] P [REDACTED], without a good faith
24 prior examination and medical indication for such prescrip-
25 tion and not for the treatment of pathology or a condition
26 other than addiction to a controlled substance, 100 units
27 of the drug "Desoxyn (50 units -- 15 milligrams) which is

1 the trade name for the generic chemical "methamphetamine"
2 and a controlled substance (Schedule III) within the meaning
3 of section 11056(d)(1) of the Health and Safety Code and a
4 dangerous drug within the meaning of section 4211(c).

5 10. On or about June 22, 1976, the respondent
6 prescribed to patient S [REDACTED] D [REDACTED], without a good faith
7 prior examination and medical indication for such prescrip-
8 tion and not for the treatment of pathology or a condition
9 other than addiction to a controlled substance, the drug
10 "Quaalude" (50 units -- 300 milligrams) which is the trade
11 name for the generic chemical "methaqualone" and a controlled
12 substance (Schedule III) within the meaning of section
13 11056(b)(6) of the Health and Safety Code and a dangerous
14 drug within the meaning of section 4211(a) and (k).

15 11. On or about August 3, 1976, the respondent
16 prescribed to patient S [REDACTED] D [REDACTED], without a good faith
17 prior examination and medical indication for such prescrip-
18 tion and not for the treatment of pathology or a condition
19 other than addiction to a controlled substance, the drug
20 "Desoxyn (100 units -- 15 milligrams) which is the trade
21 name for the generic chemical "methamphetamine", and a
22 controlled substance (Schedule III) within the meaning of
23 section 11056(d)(1) of the Health and Safety Code and a
24 dangerous drug within the meaning of section 4211(c).

25 12. On or about August 3, 1976, the respondent
26 prescribed to patient S [REDACTED] D [REDACTED], without a good faith
27 prior examination and medical indication for such prescrip-
28 tion and not for the treatment of pathology or a condition

1 other than addiction to a controlled substance, the drug
2 "Quaalude" (100 units -- 300 milligrams) which is the
3 trade name for the generic chemical "methaqualone" and a
4 controlled substance (Schedule III) within the meaning of
5 section 11056(b)(6) of the Health and Safety Code and a
6 dangerous drug within the meaning of section 4211(a) and
7 (k).

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9 13. On or about June 25, 1976, the respondent
10 prescribed to patient J [REDACTED] S [REDACTED], without a good faith
11 prior examination and medical indication for such prescrip-
12 tion and not for the treatment of pathology or a condition
13 other than addiction to a controlled substance, the drug
14 "Pentobarbital" (100 units) which is the trade name for the
15 generic chemical "pentobarbital sodium", a barbituric acid
16 derivative, and a controlled substance (Schedule III)
17 within the meaning of section 11056(b)(1) of the Health and
18 Safety Code and a dangerous drug within the meaning of
19 section 4211(a) and (k).

20 14. On or about June 25, 1976, the respondent
21 prescribed to patient J [REDACTED] S [REDACTED], without a good faith
22 prior examination and medical indication for such prescrip-
23 tion and not for the treatment of pathology or a condition
24 other than addiction to a controlled substance, 100 units
25 of the drug "Dexedrine" which is the trade name for the
26 generic chemical "dextroamphetamine sulfate" and a controlled
27 substance (Schedule III) within the meaning of section
28 11056(d)(1) of the Health and Safety Code and a dangerous
drug within the meaning of section 4211(c).

1 15. On or about July 20, 1976, the respondent
2 prescribed to patient S [REDACTED] D [REDACTED] without a good faith
3 prior examination and a medical indication for such prescrip-
4 tion and not for the treatment of pathology or a condition
5 other than addiction to a controlled substance, the drug
6 "Quaalude" (50 units -- 300 milligrams) which is the trade
7 name for the generic chemical "methaqualone" and a controlled
8 substance (Schedule III) within the meaning of section
9 11056(b)(6) of the Health and Safety Code and a dangerous
10 drug within the meaning of section 4211(a) and (k).

11 16. On or about July 20, 1976, the respondent
12 prescribed to S [REDACTED] D [REDACTED] without a good faith prior
13 examination and a medical indication for such prescription
14 and not for the treatment of pathology or a condition
15 other than addiction to a controlled substance, the drug
16 "Desoxyn" (50 units -- 15 milligrams) which is the trade
17 name for the generic chemical "methamphetamine" and a
18 controlled substance (Schedule III) within the meaning of
19 section 11056(d)(1) of the Health and Safety Code and a
20 dangerous drug within the meaning of section 4211(c).

21 From these Findings of Fact, it is stipulated
22 that the Division may make the following:

23 II

24 Determination of Issues Presented

25 1. Prescribing controlled substances to patients
26 without a good faith prior examination and medical indication
27 for such prescription and not for the treatment of pathology

1 with all conditions of probation.

2 3. Respondent shall give an account of himself
3 when visited by an assigned Probation Surveillance Officer
4 of the Division regarding his conduct as a certificate
5 holder.

6 4. Respondent shall surrender his Drug Enforce-
7 Certificate of
8 ment Administration/Registration and all triplicate forms
9 in his possession and shall not reapply for such registra-
tion during the period of time of his probation.

10 5. Respondent shall not prescribe, administer,
11 dispense, or furnish any controlled substance listed in
12 Schedules I through IV of sections 11054 through 11057 of
13 the Health and Safety Code.

14 6. Upon at least 15 days' notice from the
15 Division of Medical Quality, respondent shall appear
16 annually before a Medical Consultant of the Division of
17 Medical Quality and the first appearance, upon notice,
18 shall be within 90 days' of the effective date of this
19 order.

20 7. Unless expressly waived by the Division of
21 Medical Quality in writing, the entire period of probation
22 must be served within the State of California.

23 8. Respondent shall refrain from the practice
24 of medicine for a period of thirty days (30) from the
25 effective date of this decision.

26 9. Respondent shall complete a continuing
27 education course approved by the Division in pharmacology
28 before termination of probation.

1 10. That upon full compliance with the above, and
2 upon expiration of the stay herein set forth, respondent's
3 license shall be fully restored free and clear of the terms and
4 conditions imposed; provided, however, that if respondent
5 violates condition "6" above, and the records of the Division
6 show that the respondent was served with notification at his
7 last known address of record, and failed to appear as directed,
8 the Division may summarily, without further notice or hearing,
9 set aside the stay order and direct the order of revocation to
10 become effective immediately. In case of setting aside the stay
11 order for failure to appear, the stay order may only be reimposed
12 restoring respondent's license after petition by the respondent
13 to the Division and a hearing before the Division.

14 If the respondent violates any other term of probation
15 other than condition "6", the Division, after notice to the
16 respondent of an opportunity to be heard at his address of
17 record, may at its discretion set aside the stay order and
18 direct that the order of suspension may become effective
19 immediately, or take such action as it may deem appropriate.

20 DATED: July 18, 1977

21 EVELLE J. YOUNGER
22 Attorney General

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24 CHARLTON G. NOLLAND
25 Deputy Attorney General
26 Attorneys for BMQA

27 DATED: July 20, 1977

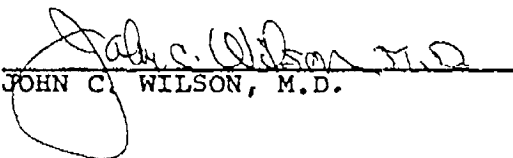
 RANKIN, ONEAL, CENTER, LUCKHARDT,
 MARLAIS, LUND & HINSHAW


 EDWARD A. HINSHAW
 Attorneys for Respondent

1 I am fully aware of my right to a hearing before
2 an Administrative Law Judge on the charges and allegations
3 contained in the Accusation, my right to reconsideration, to
4 appeal and all rights which may be accorded me pursuant to the
5 California Administrative Procedure Act and that I thereby
6 freely and voluntarily waive my right to a hearing before an
7 Administrative Law Judge, to reconsideration, to appeal or to
8 any and all other rights which may be accorded me by the
9 Administrative Procedure Act with regard to the Accusation in
10 this proceeding numbered D-2005.

11 I have read the above document and fully discussed it
12 with my counsel. I agree to the above terms and conditions of
13 the stipulation.

14 DATED: 7-30-77

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17 JOHN C. WILSON, M.D.
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BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA

In the Matter of the Accusation)

Against:)

JOHN C. WILSON, M.D.
25 North 14th Street
San Jose, California)

License No. AO-5991)

Respondent.)

NO. D-2005

FIRST AMENDMENT
TO ACCUSATION

COMES NOW Joseph Cosentino, M.D., who charges and
alleges in amendment to an Accusation already on file, given
the No. D-2005, as follows:

21. The Accusation already on file, given the
No. D-2005, is corrected as follows:

(a) On page 6, at line 21, the name H [REDACTED] is changed
to H [REDACTED].

(b) On page 7, at line 4, the name H [REDACTED] is changed
to H [REDACTED].

(c) On page 7, at line 13, the name H [REDACTED] is changed

1 to H [REDACTED].

2 22. On or about July 20, 1976, the respondent pre-
3 scribed to patient S [REDACTED] D [REDACTED] without a good faith prior
4 examination and a medical indication for such prescription and
5 not for the treatment of pathology or a condition other than
6 addiction to a controlled substance, the drug "Quaalude"
7 (50 units--300 milligrams) which is the trade name for the
8 generic chemical "methaqualone" and a controlled substance
9 (Schedule III) within the meaning of section 11056(b)(6) of the
10 Health and Safety Code and a dangerous drug within the meaning
11 of section 4211(a) and (k).

12 23. On or about July 20, 1976, the respondent pre-
13 scribed to S [REDACTED] D [REDACTED] without a good faith prior examination
14 and a medical indication for such prescription and not for the
15 treatment of pathology or a condition other than addiction to
16 a controlled substance, the drug "Desoxyn" (50 units--15 mil-
17 ligrams) which is the trade name for the generic chemical
18 "methamphetamine" and a controlled substance (Schedule III)
19 within the meaning of section 11056(d)(1) of the Health and
20 Safety Code and a dangerous drug within the meaning of section
21 4211(c).

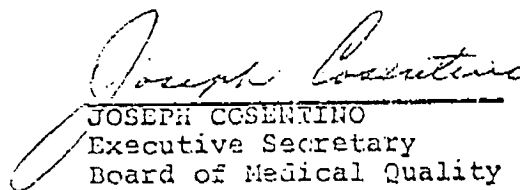
22 24. Prescribing controlled substances to patients
23 without a good faith prior examination and a medical indication
24 for such prescription and not for the treatment of a pathology
25 or condition other than addiction to a controlled substance as
26 alleged in paragraphs 22 and 23, as to each prescription,
27 constitutes grounds for the Division to take disciplinary action

1 against the respondent pursuant to section 11154 of the Health
2 and Safety Code in conjunction with section 2391.5.

3 25. Prescribing dangerous drugs as defined in section
4 4711 without a good faith prior examination or medical indication
5 for such prescription as alleged in paragraphs 22 through 23
6 constitutes grounds, as to each prescription, for the Division
7 to take disciplinary action against the respondent pursuant to
8 section 2399.5.

9 WHEREFORE, it is prayed that the Board exercise its
10 authority pursuant to section 2360 on this first Amendment to
11 Accusation and on the original Accusation, hold a hearing and
12 suspend or revoke or take such other further action as it deems
13 appropriate regarding the respondent's certificate.

14 DATED: 6/15/77

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16 
17 JOSEPH COSSENTINO
18 Executive Secretary
19 Board of Medical Quality
20 Assurance
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